

United States Court of Appeals
For The Eighth Circuit
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, Room 24.329
St. Louis, Missouri 63102

Michael E. Gans
Clerk of Court

VOICE (314) 244-2400
FAX (314) 244-2780
www.ca8.uscourts.gov

July 13, 2021

Mr. Arthur Carson
D-232
11401 Mesa Drive
Little Rock, AR 72211

Ms. Jewellean Moore
D-232
11401 Mesa Drive
Little Rock, AR 72211

RE: 21-2535 In re: Jewellean Moore, et al

Dear Mr. Carson and Ms. Moore:

A petition for a writ and the motions for leave to proceed in forma pauperis has been filed under the referenced number.

The petition will be submitted to a panel of judges, and you will be advised of the Court's ruling.

Please note that service by pro se parties is governed by Eighth Circuit Rule 25B. A copy of the rule and additional information is attached to the pro se party's copy of this notice.

Michael E. Gans
Clerk of Court

CMH

Enclosure(s)

cc: Ms. Tammy H. Downs
Honorable D. Price Marshall

District Court/Agency Case Number(s): 4:21-cv-00352-DPM

Caption For Case Number: 21-2535

In re: Jewellean Moore; Arthur Carson

Petitioners

Addresses For Case Participants: 21-2535

Mr. Arthur Carson
D-232
11401 Mesa Drive
Little Rock, AR 72211

Ms. Jewellean Moore
D-232
11401 Mesa Drive
Little Rock, AR 72211

Ms. Tammy H. Downs
U.S. DISTRICT COURT
Eastern District of Arkansas
Room A149
600 W. Capitol Avenue
Little Rock, AR 72201-0000

Honorable D. Price Marshall
RICHARD SHEPPARD ARNOLD U.S. COURTHOUSE
B149
500 W. Capitol Avenue
Little Rock, AR 72201

IN THE UNITED STATES COURT OF APPEALS
EIGHTH CIRCUIT

In Re,

Jewellean Moore, and
Arthur Carson, Petitioner,

21-2535

FILED

JUL 13 2021

MICHAEL GANS
CLERK OF COURT

FROM THE
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

PETITION FOR WRIT OF MANDAMUS

Jewellean Moore
11401 Mesa DR #232
Little Rock, AR 72211
Pro se
(501-2479150)

Arthur Carson
11401 Mesa DR #D232
Little Rock, AR 72211
Pro se
(501-2403437)

IDENTITY OF PARTIES:

- 1). Petitioner, Jewellean Moore, 11401 Mesa DR #D232, Little Rock ,AR 72211
- 2). Petitioner, Arthur Carson, 11401 Mesa DR # D232, Little Rock, AR 72211
- 3). Respondent, Hon. Judge D.P. Marshall, U.S. District Court, Eastern District of Arkansas, Central Division, 600 W. Capitol Ave., Rm 149, Little Rock, AR 72201

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IN THE UNITED STATES COURT OF APPEALS
EIGHTH CIRCUIT

IN RE,
JEWELLEAN MOORE, AND
ARTHUR CARSON,

PETITION FOR WRIT OF MANDAMUS

Comes Now the Petitioners, Jewellean Moore, and Arthur Carson, pursuant to Rule 21, Federal Rules of Appellate Procedures, and 28 U.S.C. 1651, brings This Their Petition For Writ of Mandamus, and would like to show this Court the following:

I

“Extraordinary writs like mandamus are ‘useful safety valves for promptly correcting serious Errors.’” In re Lombardi, 741 F.3d 888,893(8th Cir. 2014)(en banc), quoting Mohawk Indus.,- Inc. V. Carpenter, 558 U.S. 100, 111(2009).

II.

THE RELIEF SOUGHT:

1). The Writ of Mandamus seeks to compel the Respondent to Execute its Ministerial Duties. Petitioner’s First, Fifth, and Fourteenth Amendment of the United States Constitution, and Access to Court are Currently being truncated. The Respondent has created a barrier To Petitioner’s Access to Court with Unequal Treatment solely because Petitioners are Proceeding Pro se, and In forma pauperis.

(1)

Where Respondent's have refused early screening of Petitioner's In forma pauperis Affidavits, thereby negating their Complaint and Temporary Restraining Order being Held in suspended animation.

STATEMENT OF THE CASE:

On May 03, 2021, Petitioners filed their Complaint and Request for Injunction in the United States District Court for the Eastern District of Arkansas, Central Division, Case NO. 4:21-CV-352-DPM.

The Complaint involves The arbitrary evisceration of HUD subsidies by Hud's Regional Manager, Wanda Meritt, The Corporation, d/b/a, Envolv Management, and Constructive Eviction, as Retaliation And Extortion Attempts During the Covid-19 Pandemic. No Due Process were given to Jewellean Moore, and Arthur Carson, as Required by Hud's Regulations prior to Any of Hud's subsidy termination. Petitioner Moore, required special accommodations Due to Her Medical Disabilities, e.g., "Dyslexia, End Stage Kidney Disease, Hypertension." Petitioner's Complaint further alleged the Constructive Eviction were reprisals for complaints Made against the Landlord regarding Housing Conditions, and a Settlement agreement against The Landlord, (Carson V. LEDIC Management, now called the Corporation), NO.60-CV-19-3872, Circuit Court of Pulaski County, Arkansas. Such Retaliation Violated 24 C.F.R. 100.400. No auxiliary Aid to effectively communicate with the Petitioners regarding their Housing Or Legal Assistance, or opportunity to challenge the whimsical manner Petitioners were

Evicted, despite The Center For Disease Moratorium on Evictions. Both Petitioners are Disabled Seniors, whom Right to Fair Housing were Nothing more than a meaningless Gesture, contrary to the Fair Housing Act and Hud's Section 202 Program, and 12 U.S.C. 1701; the Due process Requirements long ago established before termination of Hud's benefits, Goldberg V. Kelly, 397 U.S.254(1970), 42 U.S.C. 2000(d), accord; 24 C.F.R. 247.4.

REASON WHY THE WRIT SHOULD BE GRANTED:

Judges have a ministerial duty to decide matters assigned to their Court. In the Case at hand, the Court have abused its discretion by overtly refusing to Rule on Petitioner's In forma Pauperis affidavits. This is tantamount to denying Access to Court. In forma pauperis Complainant's should receive the same procedural protection Afforded non-indigent Plaintiff, McTeague V. Sosnowski, 617 F.2d. 1016, 1019(3rd-Cir.1980), the Court must ensure legitimate Complaints are not Barred in the process, Horsey V. Asher, 741 F.2d.209, 212 (8th Cir.1984).

It is only because Petitioner's are Proceeding Pro Se their Complaint, and Affidavit of Poverty has been stymied, from a Ministerial screening process that should be conducted At the " Earliest Opportunity, and soon as Practicable".

There exists the appearance of a lack of Impartiality or Partiality, French V. Jones, 876 F.3d.-1228, 1237(9th Cir. 2017), Cert. denied, 1385 S. Ct. 1598(2018), Holding that "It is an Interest in both actual and perceived Judicial impartiality" is a "genuine and compelling Interest".

The Respondent's inactions, have impeded Appellate Court's Jurisdiction, as pursuant to; Frankel V. Woodrough, 7 F.2d. 796(C.C.A. 8th Cir.), " Where a Trial Court's refuses Without proper cause to try an action pending therein, Appellate Jurisdiction cannot Become operative and effective until a final order, judgment, or decree is entered. Therefore, in such instance, the Jurisdiction to issue original writs in aid of the Appellate Jurisdiction exists", McClellan V. Carland, 217 U.S. 268, 279, 30 S.Ct. 501, 54 L.Ed. 762; Schendel V. McGee, 300 F. 273, 277(8th Cir. C.C.A).

WHEREFORE, PETITIONERS PRAY This Petition is Granted.

RESPECTFULLY SUBMITTED


JEWELLEAN MOORE

DATED: 7/08/2021


ARTHUR CARSON

CERTIFICATE OF SERVICE:

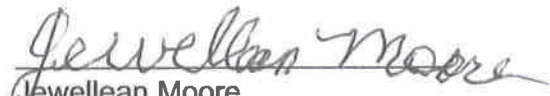
We, Petitioners, Jewellean Moore, and Arthur Carson, states:


That a Copy of the foregoing Writ of Mandamus, is hereby Mailed to:

Hon. D.P. Marshall, 600 W. Capitol Ave., RM B149, Little Rock, AR 72201.,

This 8th day of July, 2021, by United States Mail.

We Swear the foregoing statements are true and correct.


Jewellean Moore
11401 Mesa DR #D232
Little Rock, AR 72211


Arthur Carson
11401 Mesa DR #D232
Little Rock, AR 72211

Moore et al v. Meritt et al

Arkansas Eastern District Court

Judge: D P Marshall Jr
Case #: 4:21-cv-00352
Nature of Suit 440 Civil Rights - Other Civil Rights
Cause 28:1331 Federal Question: Other Civil Rights
Case Filed: May 03, 2021

Docket Parties (6)

Last checked: Thursday Jun 17, 2021 3:50 AM CDT

Defendant

Doe

Defendant

Envolve Management Co

Defendant

Termeka L Hubbard

Defendant

Wanda C Meritt

Plaintiff

Arthur Carson
11401 Mesa Drive #D-232
Little Rock, AR 72211

Plaintiff

Jewellean Moore
11401 Mesa Drive, #D-232
Little Rock, AR 72211

Docket last updated: 07/05/2021 11:59 PM CDT

Monday, May 03, 2021

APPENDIX #1

3



cmp

Complaint

Mon 05/03 11:04 AM

COMPLAINT AND REQUEST FOR INJUNCTION against All Defendants filed by Jewellean Moore and Arthur Carson. (llg)

2



motion

Proceed In Forma Pauperis

Mon 05/03 11:02 AM

MOTION for Leave to Proceed in forma pauperis by Arthur Carson. (llg)

1



motion

Proceed In Forma Pauperis

Mon 05/03 11:01 AM

MOTION for Leave to Proceed in forma pauperis by Jewellean Moore. (llg)

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7/08/21

Jewellean Moore
11401 Mesa DR #D-232
Little Rock, AR 72211
(501-247-9150)

CLERK, UNITED STATES COURT OF APPEALS
EIGHTH CIRCUIT

Re: Mandamus from the
United States District Court Eastern District
Case NO.4-21-cv-352-DPM

Clerk:

Would You Please file the foregoing two Applications to Proceed, and Writ of Mandamus,
Thank You In Advance,

Jewellean Moore
Arthur Carson
(501-240-3437)



Cc: Hon.D.P. Marshall

RECEIVED
JUL 13 2021
U.S. COURT OF APPEALS
EIGHTH CIRCUIT



CLERK
UNITED STATES COURT OF APPEALS
111 South 10th St. Rm. 24.39
St. Louis, MO. 63102

J. Moore
11401 MESA DR. #D933
LITTLE ROCK, AR 72211



United States Court of Appeals
For The Eighth Circuit
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, Room 24.329
St. Louis, Missouri 63102

Michael E. Gans
Clerk of Court

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FAX (314) 244-2780
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July 13, 2021

Honorable D. Price Marshall
RICHARD SHEPPARD ARNOLD U.S. COURTHOUSE
B149
500 W. Capitol Avenue
Little Rock, AR 72201

RE: 21-2535 In re: Jewellean Moore, et al

Dear Judge:

Enclosed is a copy of a pro se petition for a writ which the named petitioners has filed against you. Please provide a response to the petition at your earliest convenience. The court asks that you serve a copy of your response on the petitioners so that petitioners are aware of the response and can file a reply, if desired. By copy of this letter, petitioners are notified that any reply to your response must be filed with this office within seven days of receipt of the response.

Thank you for your cooperation in this matter. No action will be taken on the writ petition until this office receives your response.

Michael E. Gans
Clerk of Court

CMH

Enclosure(s)

cc: Mr. Arthur Carson
Ms. Tammy H. Downs
Ms. Jewellean Moore

District Court/Agency Case Number(s): 4:21-cv-00352-DPM

Caption For Case Number: 21-2535

In re: Jewellean Moore; Arthur Carson

Petitioners

Addresses For Case Participants: 21-2535

Honorable D. Price Marshall
RICHARD SHEPPARD ARNOLD U.S. COURTHOUSE
B149
500 W. Capitol Avenue
Little Rock, AR 72201

Mr. Arthur Carson
D-232
11401 Mesa Drive
Little Rock, AR 72211

Ms. Tammy H. Downs
U.S. DISTRICT COURT
Eastern District of Arkansas
Room A149
600 W. Capitol Avenue
Little Rock, AR 72201-0000

Ms. Jewellean Moore
D-232
11401 Mesa Drive
Little Rock, AR 72211

21-2535 In re: Jewellean Moore, et al

Eighth Circuit Court of Appeals

PRO SE Notice of Docket Activity

The following was filed on 07/13/2021

Case Name: In re: Jewellean Moore, et al

Case Number: 21-2535

Docket Text:

PETITION for Writ of Mandamus (Rec'd by MAIL) filed by Petitioners Mr. Arthur Carson and Ms. Jewellean Moore w/service 07/13/2021. **RESPONSE to the petition DUE ON 07/27/2021.** [5054393] [21-2535]

The following document(s) are associated with this transaction:

Document Description: Mandamus Petition

Document Description: Cover letter

Document Description: Envelope

Notice will be mailed to:

Mr. Arthur Carson
D-232
11401 Mesa Drive
Little Rock, AR 72211

Ms. Jewellean Moore
D-232
11401 Mesa Drive
Little Rock, AR 72211

Notice will be electronically mailed to:

Ms. Tammy H. Downs: ared_appeals@ared.uscourts.gov
Honorable D. Price Marshall: Price_Marshall@ared.uscourts.gov,
Sherri_Black@ared.uscourts.gov,Chelsea_Wilson@ared.uscourts.gov,
Clayton_Jackson@ared.uscourts.gov, Jared_Lax@ared.uscourts.gov

John Hibbs

From: ca08ml_cmecf_Notify@ca8.uscourts.gov
Sent: Tuesday, July 13, 2021 4:19 PM
Subject: 21-2535 In re: Jewellean Moore, et al "Petition Filed for writ of mandamus" (4:21-cv-00352-DPM)

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Eighth Circuit Court of Appeals

Notice of Docket Activity

The following transaction was filed on 07/13/2021

Case Name: In re: Jewellean Moore, et al
Case Number: [21-2535](#)
Document(s): [Document\(s\)](#)

Docket Text:

PETITION for Writ of Mandamus (Rec'd by MAIL) filed by Petitioners Mr. Arthur Carson and Ms. Jewellean Moore w/service 07/13/2021. **RESPONSE to the petition DUE ON 07/27/2021.** [5054393] [21-2535] (Crystal Henderson)

Notice will be electronically mailed to:

Ms. Tammy H. Downs, Clerk of Court: ared_appeals@ared.uscourts.gov
Honorable D. Price Marshall, Chief District Judge: Price_Marshall@ared.uscourts.gov, Sherri_Black@ared.uscourts.gov, Chelsea_Wilson@ared.uscourts.gov, Clayton_Jackson@ared.uscourts.gov, Jared_Lax@ared.uscourts.gov

Notice will be mailed to:

Mr. Arthur Carson
D-232
11401 Mesa Drive
Little Rock, AR 72211

Ms. Jewellean Moore
D-232
11401 Mesa Drive
Little Rock, AR 72211

The following document(s) are associated with this transaction:

Document Description: Writ Docketing Letter

Original Filename: /opt/ACECF/live/forms/CrystalHenderson_212535_5054393_WritDocketingLetters_209.pdf

Electronic Document Stamp:

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Recipients:

- [Mr. Arthur Carson](#)
- [Ms. Tammy H. Downs, Clerk of Court](#)
- [Honorable D. Price Marshall, Chief District Judge](#)
- [Ms. Jewellean Moore](#)

Document Description: Mandamus Petition

Original Filename: Mandamus.pdf

Electronic Document Stamp:

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Document Description: Cover letter

Original Filename: Cover Page.pdf

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Document Description: Envelope

Original Filename: Envelope.pdf

Electronic Document Stamp:

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Document Description: Letter To DC Judge

Original Filename: /opt/ACECF/live/forms/CrystalHenderson_212535_5054393_LetterToDCJudge_133.pdf

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Recipients:

- [Mr. Arthur Carson](#)
- [Ms. Tammy H. Downs, Clerk of Court](#)
- [Honorable D. Price Marshall, Chief District Judge](#)
- [Ms. Jewellean Moore](#)

Document Description: ProSe NDA

Original Filename: /opt/ACECF/live/forms/CrystalHenderson_212535_5054393_ProSeNDA_481.pdf

Electronic Document Stamp:

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Recipients:

- [Mr. Arthur Carson](#)
- [Ms. Tammy H. Downs, Clerk of Court](#)
- [Honorable D. Price Marshall, Chief District Judge](#)
- [Ms. Jewellean Moore](#)

The following information is for the use of court personnel:

DOCKET ENTRY ID: 5054393

RELIEF(S) DOCKETED:

for writ of mandamus

DOCKET PART(S) ADDED: 6806951, 6806952